



UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, D.C. 20230

July 22, 1998

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

EX PARTE OR LATE FILED **RECEIVED**
JUL 22 1998
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ORIGINAL

Re: *Ex Parte* Letter to Chairman Kennard in WT Docket Number 96-86, Public Safety
Agency Communication Requirements Through the Year 2010

Dear Ms. Salas:

Pursuant to Section 1.1206(b)(1) of the Commission's rules, 47. C.F.R. § 1.1206(b)(1), enclosed you will find two copies of the *ex parte* letter from William M. Daley, Secretary of Commerce, and Janet Reno, Attorney General, to Chairman William E. Kennard in the above-referenced proceeding. The original was hand-delivered to Chairman Kennard and copies have been hand-delivered to each of the Commissioners.

Please direct any questions you may have regarding this filing to the undersigned. Thank you for your cooperation.

Respectfully submitted,

Kathy D. Smith
Acting Chief Counsel

Enclosures

cc: The Honorable William E. Kennard
The Honorable Harold Furchtgott-Roth
The Honorable Susan Ness
The Honorable Michael Powell
The Honorable Gloria Tristani

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THE SECRETARY OF COMMERCE
Washington, D.C. 20230

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The Honorable William E. Kennard
Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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RE: Required Consultation with the Secretary of Commerce and Attorney
General in WT Docket No. 96-86

Dear Mr. Chairman:

There is considerable interest within the Federal public safety and law enforcement community about the recent allocation of 24 megahertz of spectrum in the 764-776 and 794-806 MHz bands for public safety services as directed by Congress in the Balanced Budget Act of 1997. As you know, Congress mandated that the Commission develop the terms and conditions of this spectrum use in consultation with the Secretary of Commerce and the Attorney General. This mandate is indicative of Congress' recognition of the vital role that Federal agencies play in providing public safety services to the American people. We are writing to express our views on this issue of vital importance as the Commission considers the service rules and eligibility requirements governing this spectrum use.

On behalf of the Administration, the National Telecommunications and Information Administration (NTIA) within the Department of Commerce filed comments earlier in the proceeding urging, among other things, Federal access to the new public safety allocation for interoperability and shared system purposes. In these comments, NTIA observed that the new law was not intended to exclude Federal agencies from use of this spectrum (indeed, other parts of the new law direct such interoperability), but rather to provide spectrum for all public safety agencies to alleviate congestion and to promote the use of new technologies. The Federal Law Enforcement Wireless Users Group, representing the Federal public safety community, also urged the Commission to permit Federal access to the bands. These positions are clearly supported by the requirement that the Commission consult with the Secretary of Commerce and the Attorney General in developing the reallocation and service rules.

The National Performance Review recognized public safety operations as a critical service, and through two national initiatives, established a program to plan and foster implementation of an integrated wireless and wireline network that meets the needs of the entire public safety community. This program, the Public Safety Wireless Network (PSWN), is based on the principles of joint public safety operations and shared resources. Those very principles -- the importance of Federal, state and local public safety interoperability and sharing of

communications systems -- were also recognized by the recent activity of the Public Safety Wireless Advisory Committee (PSWAC). In its final report, the PSWAC recommended "establishing bands of frequencies for interoperability purposes, [and] encouraging the development and use of shared systems. . . ." Clearly, the time to act on the foundations of Federal, state and local public safety interoperability is now.

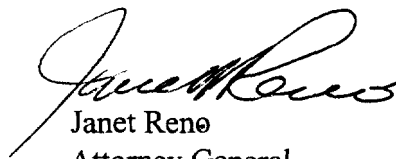
Federal access to this spectrum will encourage the implementation of shared/joint-use systems and the development of common data and imaging systems, ensuring the highest degree of interoperability and spectrum efficiency. This access is vital to the continued success of current national efforts to solve public safety interoperability problems. We urge the Commission to work with NTIA to ensure that the service and eligibility rules adopted in this proceeding provide Federal access to this spectrum for interoperability and shared/joint-use systems.

Thank you for your consideration of these views. We look forward to working with you as the Commission formulates the service and eligibility rules in this proceeding.

Sincerely,



William M. Daley
Secretary of Commerce



Janet Reno
Attorney General

cc: The Honorable Harold Furchtgott-Roth
The Honorable Susan Ness
The Honorable Michael Powell
The Honorable Gloria Tristani